

LP

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Caption:

Deborah Ann Moody  
15464 Davis Lane  
Gulfport, MS. 39503  
Full name(s) of Plaintiff(s)

FILED

DEC 13 2010

COMPLAINT  
FOR EMPLOYMENT  
DISCRIMINATION

v.

National Electronic Warranty  
431 East 25<sup>th</sup> Avenue  
Altamira, PA. 16601  
Full name(s) of Defendant(s)

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

CIVIL ACTION  
NO. \_\_\_\_\_

10 7267

This action is brought for discrimination in employment pursuant to (check only those that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*

\_\_\_\_\_

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634.

*NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission, and you must have been at least 40 years old at the time you believe that you were discriminated against.*

\_\_\_\_\_

Americans with Disability Act of 1990, as codified, 42 U.S.C. §§ 12112-12117.

*NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*

\_\_\_\_\_

Pennsylvania Human Relations Act, as codified, 43 Pa. Cons. Stat. §§ 951-963 (race, color, family status, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals).

*NOTE: In order to bring suit in federal district court under the Pennsylvania Human Relations Act, you must first file a complaint with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations, and then you must wait one year prior to filing a lawsuit.*

**I. Parties in this complaint:**

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name: Deborah Ann Moody  
Street Address: 15464 Davis Lane  
County, City: Harrison, Gulfport  
State & Zip: MS. 39503  
Telephone Number: 662-422-9317

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant Name: National Electronic Warranty  
Street Address: 431 East 25th Ave.  
County, City: Blair, Altoona  
State & Zip: PA, 16601  
Telephone Number: 571-323-7155

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer: National Electronic Warranty  
Street Address: 431 East 25th Avenue  
County, City: Blair, Altoona  
State & Zip: PA, 16601  
Telephone Number: 571-323-7155

**II. Statement of the Claim**

- A. The discriminatory conduct of which I complain in this action includes (*check only those that apply to your case*):

☐ Failure to hire me  
☐ Termination of my employment  
☒ Failure to promote me

- ☐ Failure to reasonably accommodate my disability
- ☐ Failure to reasonably accommodate my religion
- ☒ Failure to stop harassment
- ☒ Unequal terms and conditions of my employment
- ☒ Retaliation
- ☐ Other (specify): \_\_\_\_\_

**NOTE:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

B. It is my best recollection that the alleged discriminatory acts occurred or began on or about: (month) 9, (day) 24, (year) 2009.

C. I believe that the defendant(s) (check one):

- ☐ is still committing these acts against me.
- ☐ is **not** still committing these acts against me.

< No longer employed  
at National Electronic Warranty >

D. Defendant(s) discriminated against me based on my (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged):

- ☒ race African American ☐ color \_\_\_\_\_
- ☐ religion \_\_\_\_\_ ☐ gender/sex \_\_\_\_\_
- ☐ national origin \_\_\_\_\_

☐ age My date of birth is \_\_\_\_\_ (Give your date of birth only if you are asserting a claim of age discrimination)

E. The facts of my case are as follow (attach additional sheets of paper as necessary):

I have attached a copy of EEOC questionnaire form.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTE:** As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, or the Philadelphia Commission on Human Relations.

**III. Exhaustion of Administrative Remedies:**

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on: 1/16/2010 (Date).
- B. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Notice of Right to Sue Letter.  
☒ issued a Notice of Right to Sue Letter, which I received on 9-1-2010 (Date).

**NOTE:** Attach to this complaint a copy of the Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

- C. Only plaintiffs alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

☐ 60 days or more have passed.  
☐ fewer than 60 days have passed.

- D. It is my best recollection that I filed a charge with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct on: \_\_\_\_\_ (Date).
- E. Since filing my charge of discrimination with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct (check one):

☐ One year or more has passed.  
☐ Less than one year has passed.

**IV. Relief**

**WHEREFORE**, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs as well as *(check only those that apply)*:

- ☐ Direct the defendant to hire the plaintiff.
- ☐ Direct the defendant to re-employ the plaintiff.
- ☐ Direct the defendant to promote the plaintiff.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- ☐ Direct the defendant to *(specify)*: \_\_\_\_\_
- ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- ☐ Other *(specify)*: \_\_\_\_\_

**I declare under penalty of perjury that the foregoing is true and correct.**

Signed this 15<sup>th</sup> day of November, 2010.

Signature of Plaintiff

Address

Debra Ann Mott

15464 Davis Lane

Gulfport, MS. 39503

Telephone number

662-422-9317

Fax number (if you have one)